

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1-13 are pending in the instant Application; and claims 1 and 10 are independent claims. The amendments to the claims are made merely to rectify minor informalities. Applicant respectfully traverses the rejections of the current Office Action.

Claim Rejections Under 35 U.S.C. § 112

Claims 1-9 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant respectfully submits that at least the amendments to the rejected claims render the rejection moot. The claim amendments remedy minor informalities and clarify whether the Applicant seeks treatment under 35 U.S.C. § 112, sixth paragraph. The amendments to the claims show that the Applicant does not seek treatment under 35 U.S.C. § 112, sixth paragraph. Support for the claim amendments is at least found in paragraph [0018] of the published application, which states "[a]s shown in FIG. 1, the transaction server 1 comprises a rules database 18 and a number of functional *modules* and parts, *namely* a control module 11, validation means 12, evaluation means 13, a contract negotiation process module 14 and a user interface module 15." (Emphasis added.) Therefore, Applicant respectfully requests that the rejection be withdrawn.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-8 and 10-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Conklin et al., U.S. Patent No. 6,141,653 ("Conklin") in view of Keresman et al., U.S. Patent Application No. 2002/0046169 ("Keresman"). **Claim 9**

stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Conklin, and Keresman and further in view of Hele, International Patent Application No. WO 02/039358 ("Hele"). Applicant respectfully traverses these rejections.

Independent claim 1, as amended, recites:

A computerized transaction server for concluding contracts between a service user and a service provider, comprising a user interface with a number of data input modules which comprise data input fields for inputting data relating to the object of a contract, the user interface is operable for service users by way of terminals via a telecommunication network, stored data rules assigned to the data input fields and validation module for checking data values input via the data input fields on the basis of the assigned data rules, for requesting corrections via the user interface on the basis of the assigned data rules and for generating a validation result, comprising:

stored business rules assigned to one or more of the data input fields,

evaluation module for evaluating the data values input via the data input fields on the basis of the assigned business rules and for generating a corresponding evaluation result, and

a number of different contract negotiation processes for indicating a contract price via the user interface, for requesting and receiving an agreement relating to the conclusion of a contract from the service user via the user interface, and for storing a concluded contract, *control module for activating a first one of the data input modules, for activating the evaluation module in the case of a positive validation result, and for automatically selecting and activating a further one of the data input modules or one of the contract negotiation processes in dependence on the evaluation result.* (Emphasis added.)

The proposed combination of references does not suggest at least an "evaluation module for *evaluating the data values input via the data input fields on the basis of the assigned business rules and for generating a corresponding evaluation result...* [and a] *control module* for activating a first one of the data input modules, for activating the evaluation module in the case of a positive validation result, and *for automatically selecting and activating a further one of the data input modules or one of the contract*

negotiation processes in dependence on the evaluation result," as is recited in claim 1. The Applicant provides a basis for reaching this conclusion in the following.

The combination suggests a multivariate negotiations engine system 02 that enables a speedy way to negotiate complex, multivariate items such as complex standards. (See column 17, lines 52-56; *Conklin*.) The Office points to column 19, lines 38-57 as the portion of *Conklin* that purportedly discloses the claimed "evaluation module" that produces "a corresponding evaluation result" based on "evaluating the data values input via the data input fields on the basis of the assigned business rules." Applicant has carefully considered the identified portion of *Conklin*, as well as the entirety of *Conklin*, and found nothing that discloses the indicated limitation of claim 1.

In addition, the Office points to column 28, lines 9-22 as the portion of *Conklin* that purportedly discloses the claimed "control module for... automatically selecting and activating a further one of the data input modules or one of the contract negotiation processes in dependence on the evaluation result." Again, Applicant has carefully considered the identified portion of *Conklin*, as well as the entirety of *Conklin*, and found nothing that discloses the indicated limitation of claim 1.

The Office has not relied upon *Keresman* to remedy the *Conklin* deficiencies discussed in the foregoing paragraphs. Therefore, to reiterate, the combination of references relied upon by the Office does not suggest at least an "evaluation module for *evaluating the data values input via the data input fields on the basis of the assigned business rules and for generating a corresponding evaluation result...* [and a] *control module* for activating a first one of the data input modules, for activating the evaluation module in the case of a positive validation result, and *for automatically selecting and activating a further one of the data input modules or one of the contract negotiation processes in dependence on the evaluation result,"* as is recited in claim 1.

For at least the reasons stated above, Applicant respectfully requests the Office to reconsider and withdraw the rejection of claim 1. Note, the Applicant has elected, at this juncture, not to address the propriety of the Office's reasoning for combining *Conklin* and *Keresman*, but this should not be construed as an indication that the Applicant agrees with such reasoning.

Dependent claims 2-8 depend from claim 1. The rejection with regard to these claims should be withdrawn by virtue of the aforementioned dependency. Moreover, these claims recite features that, when taken together with those of claim 1, are not suggested by the proposed combination of references.

Dependent claim 9 depends from claim 1. The rejection with regard to this claim should be withdrawn by virtue of the dependency. Moreover, this claim recites features that, when taken together with those of claim 1, are not suggested by *Conklin*, and *Keresman* and further in view of *Hele*.

Independent claim 10, as amended, recites:

A computer program product comprising a computer-readable medium with computer program code contained therein for controlling one or more processors of a transaction server for concluding contracts between a service user and a service provider, in such a manner that the transaction server provides a user interface with a number of data input modules which comprise data input fields for inputting data relating to the object of a contract, which user interface is operable for service users by way of terminals via a telecommunication network, in that data rules are stored in the transaction server assigned to the data input fields, in that data values input via the data input fields are checked in the transaction server on the basis of the assigned data rules, in that the transaction server requests corrections via the user interface on the basis of the assigned data rules, and in that the transaction server generates a validation result, wherein the computer program product further comprises computer program code to control the processors of the transaction server in such a manner,

that business rules are stored in the transaction server assigned to one or more of the data input fields,
that the transaction server activates a first one of the data input modules,
that the transaction server, in the case of a positive validation result, evaluates the data values input via the data input fields on the basis of the assigned business rules and generates a corresponding evaluation result, and
that the transaction server selects and activates a further one of the data input modules or one of a number of different contract negotiation processes in dependence on the evaluation result, the contract negotiation processes being adapted to control the processors of the transaction server in such a manner that the transaction server indicates a contract price via the user interface, that the transaction server requests and receives an agreement relating to the conclusion of a contract from the service user via the user interface, and that the transaction server stores a concluded contract. (Emphasis added.)

The proposed combination of references does not suggest at least an "*that the transaction server, in the case of a positive validation result, evaluates the data values input via the data input fields on the basis of the assigned business rules and generates a corresponding evaluation result,* and that the transaction server selects and activates a further one of the data input modules or one of a number of different contract negotiation processes in *dependence on the evaluation result,*" as is recited in claim 10. The Applicant provides a basis for reaching this conclusion in the following.

The combination suggests a multivariate negotiations engine system 02 that enables a speedy way to negotiate complex, multivariate items such as complex standards. (See column 17, lines 52-56; Conklin.) The Office points to column 28, lines 9-22 as the portion of Conklin that purportedly discloses the claimed "transaction server" that produces "a corresponding evaluation result" based on evaluating "data values input via the data input fields on the basis of the assigned business rules." Applicant has carefully considered the identified portion of Conklin, as well as the entirety of Conklin, and found nothing that discloses the indicated limitation of claim 10.

In addition, the Office points to *column 28, lines 9-22* as the portion of *Conklin* that purportedly discloses the claimed "the transaction server selects and activates a further one of the data input modules or one of a number of different contract negotiation processes in dependence on the evaluation result." Again, Applicant has carefully considered the identified portion of *Conklin*, as well as the entirety of *Conklin*, and found nothing that discloses the indicated limitation of claim 10.

The Office has not relied upon *Keresman* to remedy the *Conklin* deficiencies discussed in the foregoing paragraphs. Therefore, to reiterate, the combination of references relied upon by the Office does not suggest at least an "*that the transaction server, in the case of a positive validation result, evaluates the data values input via the data input fields on the basis of the assigned business rules and generates a corresponding evaluation result, and that the transaction server selects and activates a further one of the data input modules or one of a number of different contract negotiation processes in dependence on the evaluation result,*" as is recited in claim 10.

For at least the reasons stated above, Applicant respectfully requests the Office to reconsider and withdraw the rejection of claim 10. Note, the Applicant has elected, at this juncture, not to address the propriety of the Office's reasoning for combining *Conklin* and *Keresman*, but this should not be construed as an indication that the Applicant agrees with such reasoning.

Dependent claims 11-13 depend from claim 10. The rejection with regard to these claims should be withdrawn by virtue of the aforementioned dependency. Moreover, these claims recite features that, when taken together with those of claim 10, are not suggested by the proposed combination of references.

In accordance with the foregoing, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejections.

Conclusion

In accordance with the foregoing remarks, Applicant believes that the pending claims are allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney at the provided email address.

Respectfully Submitted,

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